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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,151	03/25/2004	Antony Manoj Justin	200316482-1	7395

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EXAMINER
KOYAMA, KUMIKO C

ART UNIT	PAPER NUMBER
2876	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/809,151	JUSTIN, ANTONY MANOJ
	Examiner	Art Unit
	Kumiko C. Koyama	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 October 2006</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-28</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Appeal Brief received on October 10, 2006 as been acknowledged. Upon careful review

of the Appeal Brief and consultation with a Supervisory Patent Examiner, the Examiner has

decided to reopen prosecution. New grounds of rejection has been provided below. Therefore,

this action is Non-Final.

Claim Objections

1.   Claims 1-18 are objected to because of the following informalities:

Re claims 1, 4 and 13: The phrase "storable" and "executable" renders the claim vague

and indefinite because it is unclear whether the action is actually being performed or not. The

Examiner respectfully suggests "storable" and "executable" to be changed to --are stored--and –

executed-- respectively.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 1, 2, 4-7, 9-13, 15-17 and 19-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pitroda (US 5,884,271) in view of Benton (US 4,454,414).

Re claims 1 and 4: Pitroda discloses a universal electronic transaction (UET) card, which includes a microprocessor (col 2, lines 48-51). Pitroda discloses a memory means for storing information, including personal information for the user, account information for a plurality of service institution in which the user has an account, and transactional information for each service institution for which account information exists, into the memory means (col 18, lines 34-40). As shown in Fig. 3, RAM, ROM and non-volatile RAM 34 are all coupled to the microcontroller (col 11, lines 38-40). Pitroda teaches that the UET stores social security number (col 2, lines 53-54), drivers license (col 1, lines 34-35) and bank account numbers (col 3, lines 15-20). Fig. 3 shows that Input/Output port management 33 is also coupled to the memory and processor. Pitroda also teaches an LCD type full display 10, contacts 13, speaker/beeper 16 and function keys displayed on the LCD (Fig. 1). Fig. 3 also shows that the display 30, speaker/beeper 37, pins contact 38, and IR/RF option 39 are all coupled to the microcontroller 33 (Fig. 3).

Pitroda fails to teach program instructions storable in the memory and executable by the processor to selectably modify the variety of user information, including updating, editing and deleting, based on user input directly to the card.

Benton discloses a funds data transfer device or module 20 (col 4, lines 23-24). Benton discloses that the module contains microprocessor based circuitry including random access memory (RAM) adapted to receive data entered to the module 20 through keyboard 24 as well as through optical copuler 32, 34 (col 5, lines 35-45). Such disclosure teaches a memory and program instructions storable in the memory and executable by the processor. The module comprises a keyboard 24 that includes an enter key E to enable account and other data entered by

keyboard to be accepted for data processing within the module 20, a balance key B to display

account balance, a transaction key T to complete a requested transaction and a date key to enable

the date of transaction to be updated by keyboard (col 4, lines 28-36). Benton discloses that a

number of switches on the housing enables a transaction or keyboard entered data to be

processed with respect to only predetermined memories or predetermined portions of a memory

within the circuitry and enables transactions to be maintained separately among different

accounts without comingling (col 4, lines 42-50). Benton also discloses that Track 3, which is

part of the memory, may involve a decrementing mode, loaded by a financial institution in

cooperation with the telephone company, trains, taxis, postage, and freight (col 7, lines 20-27).

Such disclosure teaches updating the variety of user information based on user input directly to

the card. Track 4 may involve insurance data, wherein an insurance company will apply credit to

the account stored in memory (col 7, lines 28-32). Such disclosure teaches editing the variety of

user information based on user input directly to the card. An additional track may involve food

stamps, wherein credits are unloaded from the module by food retailers (col 7, lines 32-37), and

such disclosure teaches deleting the variety of user information based on user input directly to

the card. The module is set to automatically allow a predetermined credit per week to be applied

toward food.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to modify the teachings of Benton to the teachings of Pitroda and

integrate the selectably modifying of the variety of user information because such modification

provides the capability of the user to change the contents of the memory, such as add/delete

credit cards, update medical records, change home addresses etc. to maintain the validity of the information.

Re claim 2: As described above, Pitroda discloses a display on the card, a function key, a transceiver (IR/RF option), a data port (I/O port management), an audio input/output (speaker/beeper).

Re claim 5: Pitroda's Fig. 1 shows alphanumeric keys and a toggle key to browse menu items presented on the display (Fig. 1).

Re claim 6: Pitroda discloses a touch-sensitive LCD display (col 4, lines 1-5).

Re claim 7: As described above, Pitroda discloses an IR/RF option.

Re claim 9: Pitroda teaches a club membership account number (col 2, lines 56-57), a social security number, which is a tax identification number, and medical identification number (col 3, lines 19-20), which is a medical record. Pitroda also teaches entering a PIN number, which is a password, that is stored in the card when the user inputs it into the card (col 14, lines 7-18).

Re claim 10: Pitroda teaches an IR/RF option. Pitroda also discloses communication means for electronically communicating information, including personal information, account information, and transactional information with service institutions (col 18, lines 40-45). Pitroda further discloses transmitting and receiving information for a plurality of service institution (col 3, lines 1-10).

Re claims 11 and 12: Pitroda further discloses that a variety of security mechanisms is built into the UET card to avoid access to confidential information as well as to avoid fraud. During initialization the user is requested to select a unique authorization code, which may be up

to 10 digits. The user-programmed authorization code is intended to be maintained by the user in

confidence, much like PIN numbers used in connection with ATM cards. Whenever desired,

access to information stored in the card or the ability to use the card can be blocked, unless the

proper authorization code is entered. Once the UET card is initialized with a signature and an

authorization code it is ready for normal use (col 14, lines 5-20).

Re claims 13 and 15: Pitroda discloses a universal electronic transaction (UET) card,

which includes a microprocessor (col 2, lines 48-51). Pitroda discloses a memory means for

storing information, including personal information for the user, account information for a

plurality of service institution in which the user has an account, and transactional information for

each service institution for which account information exists, into the memory means (col 18,

lines 34-40). As shown in Fig. 3, RAM, ROM and non-volatile RAM 34 are all coupled to the

microcontroller (col 11, lines 38-40). Pitroda teaches that the UET stores social security number

(col 2, lines 53-54), drivers license (col 1, lines 34-35) and bank account numbers (col 3, lines

15-20). Fig. 3 shows that Input/Output port management 33 is also coupled to the memory and

processor. Pitroda also teaches an LCD type full display 10, contacts 13, speaker/beeper 16 and

function keys displayed on the LCD (Fig. 1). Fig. 3 also shows that the display 30,

speaker/beeper 37, pins contact 38, and IR/RF option 39 are all coupled to the microcontroller 33

(Fig. 3). Pitroda further discloses that a variety of security mechanisms is built into the UET card

to avoid access to confidential information as well as to avoid fraud. During initialization the

user is requested to select a unique authorization code, which may be up to 10 digits. The user-

programmed authorization code is intended to be maintained by the user in confidence, much

like PIN numbers used in connection with ATM cards. Whenever desired, access to information

stored in the card or the ability to use the card can be blocked, unless the proper authorization

code is entered. Once the UET card is initialized with a signature and an authorization code it is

ready for normal use (col 14, lines 5-20).

Pitroda fails to teach program instructions storable in the memory and executable by the

processor to selectably modify the variety of user information, including updating, editing and

deleting, based on user input directly to the card.

Benton discloses a funds data transfer device or module 20 (col 4, lines 23-24). Benton

discloses that the module contains microprocessor based circuitry including random access

memory (RAM) adapted to receive data entered to the module 20 through keyboard 24 as well as

through optical copuler 32, 34 (col 5, lines 35-45). Such disclosure teaches a memory and

program instructions storable in the memory and executable by the processor. The module

comprises a keyboard 24 that includes an enter key E to enable account and other data entered by

keyboard to be accepted for data processing within the module 20, a balance key B to display

account balance, a transaction key T to complete a requested transaction and a date key to enable

the date of transaction to be updated by keyboard (col 4, lines 28-36). Benton discloses that a

number of switches on the housing enables a transaction or keyboard entered data to be

processed with respect to only predetermined memories or predetermined portions of a memory

within the circuitry and enables transactions to be maintained separately among different

accounts without comingling (col 4, lines 42-50). Benton also discloses that Track 3, which is

part of the memory, may involve a decrementing mode, loaded by a financial institution in

cooperation with the telephone company, trains, taxis, postage, and freight (col 7, lines 20-27).

Such disclosure teaches updating the variety of user information based on user input directly to

the card. Track 4 may involve insurance data, wherein an insurance company will apply credit to

the account stored in memory (col 7, lines 28-32). Such disclosure teaches editing the variety of

user information based on user input directly to the card. An additional track may involve food

stamps, wherein credits are unloaded from the module by food retailers (col 7, lines 32-37), and

such disclosure teaches deleting the variety of user information based on user input directly to

the card. The module is set to automatically allow a predetermined credit per week to be applied

toward food.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to modify the teachings of Benton to the teachings of Pitroda and

integrate the selectably modifying of the variety of user information because such modification

provides the capability of the user to change the contents of the memory, such as add/delete

credit cards, update medical records, change home addresses etc. to maintain the validity of the

information.

Re claims 16 and 17: Pitroda teaches an IR/RF option. Pitroda also discloses

communication means for electronically communicating information, including personal

information, account information, and transactional information with service institutions (col 18,

lines 40-45). Pitroda further discloses transmitting and receiving information for a plurality of

service institution (col 3, lines 1-10).

Re claims 19, 21-25 and 27: Pitroda discloses a universal electronic transaction (UET)

card, which includes a microprocessor (col 2, lines 48-51). Pitroda discloses a memory means for

storing information, including personal information for the user, account information for a

plurality of service institution in which the user has an account, and transactional information for

each service institution for which account information exists, into the memory means (col 18, lines 34-40). As shown in Fig. 3, RAM, ROM and non-volatile RAM 34 are all coupled to the microcontroller (col 11, lines 38-40). Pitroda teaches that the UET stores social security number (col 2, lines 53-54), drivers license (col 1, lines 34-35) and bank account numbers (col 3, lines 15-20). Fig. 3 shows that Input/Output port management 33 is also coupled to the memory and processor. Pitroda also teaches an LCD type full display 10, contacts 13, speaker/beeper 16 and function keys displayed on the LCD (Fig. 1). Fig. 3 also shows that the display 30, speaker/beeper 37, pins contact 38, and IR/RF option 39 are all coupled to the microcontroller 33 (Fig. 3). Pitroda teaches an IR/RF option. Pitroda also discloses communication means for electronically communicating information, including personal information, account information, and transactional information with service institutions (col 18, lines 40-45). Pitroda further discloses transmitting and receiving information for a plurality of service institution (col 3, lines 1-10). Pitroda further discloses that a variety of security mechanisms is built into the UET card to avoid access to confidential information as well as to avoid fraud. During initialization the user is requested to select a unique authorization code, which may be up to 10 digits. The user-programmed authorization code is intended to be maintained by the user in confidence, much like PIN numbers used in connection with ATM cards. Whenever desired, access to information stored in the card or the ability to use the card can be blocked, unless the proper authorization code is entered. Once the UET card is initialized with a signature and an authorization code it is ready for normal use (col 14, lines 5-20).

Pitroda fails to teach selectably modifying the variety of user information, including updating, editing and deleting based on user input directly to the card.

Benton discloses a funds data transfer device or module 20 (col 4, lines 23-24). Benton

discloses that the module contains microprocessor based circuitry including random access

memory (RAM) adapted to receive data entered to the module 20 through keyboard 24 as well as

through optical copuler 32, 34 (col 5, lines 35-45). Such disclosure teaches a memory and

program instructions storable in the memory and executable by the processor. The module

comprises a keyboard 24 that includes an enter key E to enable account and other data entered by

keyboard to be accepted for data processing within the module 20, a balance key B to display

account balance, a transaction key T to complete a requested transaction and a date key to enable

the date of transaction to be updated by keyboard (col 4, lines 28-36). Benton discloses that a

number of switches on the housing enables a transaction or keyboard entered data to be

processed with respect to only predetermined memories or predetermined portions of a memory

within the circuitry and enables transactions to be maintained separately among different

accounts without comingling (col 4, lines 42-50). Benton also discloses that Track 3, which is

part of the memory, may involve a decrementing mode, loaded by a financial institution in

cooperation with the telephone company, trains, taxis, postage, and freight (col 7, lines 20-27).

Such disclosure teaches updating the variety of user information based on user input directly to

the card. Track 4 may involve insurance data, wherein an insurance company will apply credit to

the account stored in memory (col 7, lines 28-32). Such disclosure teaches editing the variety of

user information based on user input directly to the card. An additional track may involve food

stamps, wherein credits are unloaded from the module by food retailers (col 7, lines 32-37), and

such disclosure teaches deleting the variety of user information based on user input directly to

the card. The module is set to automatically allow a predetermined credit per week to be applied

toward food.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to modify the teachings of Benton to the teachings of Pitroda and

integrate the selectably modifying of the variety of user information because such modification

provides the capability of the user to change the contents of the memory, such as add/delete

credit cards, update medical records, change home addresses etc. to maintain the validity of the

information.

Re claim 20: Pitroda discloses a touch-sensitive LCD display (col 4, lines 1-5).

Re claim 26: Pitroda teaches that the UET sends a PIN number to the service and the

service authorizes a transaction (col 17, lines 1-37). Such service is a lock mechanism for

locking and unlocking a transaction initiated by the UET owner.

Re claim 28: Service institution includes governmental agency, bank transactions etc (col

3, lines 3-12).

4.   Claims 3, 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pitroda in view of Lessin as applied to claims 1, 4 and 13 above, and further in view of Baratelli

(US 6,325,285). The teachings of Pitroda as modified by Benton have been discussed above.

Pitroda as modified by Benton fails to teach a biometric identification mechanism.

Baratelli teaches a smart card having a sensing surface 110, which constitutes part of a

fingerprint reader that is adapted to generated electrical signals representative of the fingerprint

of a finger placed on sensing surface 110 (col 3, lines 55-60).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Baratelli to the teachings of Pitroda as

modified by Benton in order to order to confirm that the person using the card is an authorized

user such as the card owner, and to increase the level of security by utilizing unique features of a

person that cannot be dublicated.

5.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda in view of

Benton as applied to claim 13 above, and further in view of Gangi (US 6,293,462, as cited by the

Applicant) and Hasegawa (US 5,055,662). The teachings of Pitroda as modified by Benton have

been discussed above.

Pitroda as modified by Benton fails to teach to teach a card having an optical sensor and a

magnetic strip.

Gangi teaches a wallet consolidator including a bar code scanner 180 for scanning bar

codes (Fig. 3).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Gangi to the teachings of Pitroda as

modified by Benton because bar code scanner are used to scan a bar code on a face of

identification, credit, debit, an dother types of cards, and to stored the bar code in memory of the

card in fast manner with reduced error rate.

Pitroda as modified by Benton and Gangi fails to teach a magnetic strip on the card.

Hasegawa teaches a card having a magnetic strip 5 (Fig. 2).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time

the invention was made to integrate the teachings of Hasegawa to the teachings of Pitroda as

modified by Benton and Gangi because many point of sale terminals are accompanied with a

magnetic strip readers, and therefore, by modifying the teaching, the card is capable of

accommodating readily available card readers and thereby, increasing the number of places the

card can be utilized.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-28 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Taylor, U.S. Patent No. 5,578,808, discloses a data card that can be used for transaction
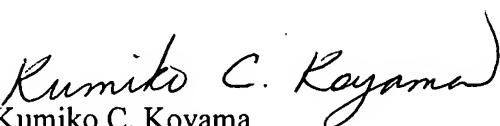
involving separate card issuers.

Any inquiry concerning this communication or earlier communications from the

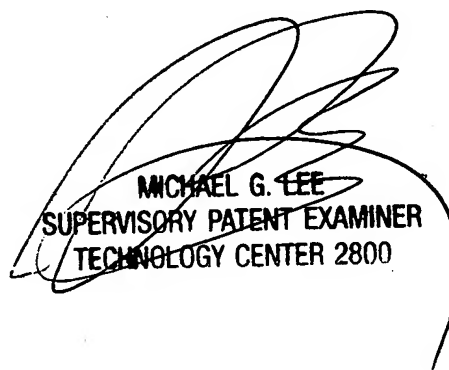examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394.

The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kumiko C. Koyama
January 08, 2007

MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
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